

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

THE UNITED STATES OF AMERICA)	NO. 2:16-CR-195
)	
)	
VS.)	Houston, Texas
)	11:12 a.m.
)	
DONNA TOLAND AND THOMAS)	April 18, 2016
TOLAND)	

RE-ARRAIGNMENT

BEFORE THE HONORABLE JOHN D. RAINNEY

UNITED STATES DISTRICT JUDGE

3 | APPEARANCES:

4 FOR THE GOVERNMENT:

15 Mr. Hugo Martinez
16 U.S. Attorney's Office
17 800 N. Shoreline Blvd., Suite 500
18 Corpus Christi, Texas 78401
19 Tel: 361-888-3111

18 FOR THE DEFENDANT THOMAS TOLAND:

19 Ms. Sandra Ann Eastwood
The Law Office of Sandra Eastwood
20 4657 Ocean Drive, Suite 443
Corpus Christi, Texas 78412
21 Tel: 361-687-3657

22 Ms. Kristen D. Langford
23 Federal Public Defender
606 N. Carancahua, Suite 401
Corpus Christi, Texas 78401
24 Tel: 361-888-3532

1 FOR THE DEFENDANT DONNA TOLAND:

2 Mr. Harold Christopher Waller
3 Attorney at Law
4 400 Mann Street, Suite 911
Corpus Christi, Texas 78401
Tel: 351-882-3030

5 COURT REPORTER:

6 Ms. Kathleen K. Miller, CSR, RMR, CRR
515 Rusk, Room 8004
7 Houston, Texas 77002
Tel: 713-250-5087

8 Proceedings recorded by mechanical stenography.

9 Transcript produced by computer-assisted transcription.

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 P R O C E E D I N G S

2 (Defendants present.)

3 THE COURT: All right. Mr. Waller, you have
4 got Donna Toland on C-16-195. Kristen Langford has Thomas
5 Toland on the same case.

11:12:50 6 Let's take Donna first. Mr. Waller, what is going to
7 happen on that case?

8 MR. WALLER: Re-arrignment, Judge, pleading
9 with a plea agreement to Count 1.

10 THE COURT: Count 1, conspiracy to possess with
11 intent to distribute some meth?

12 MR. WALLER: Yes, Your Honor.

13 THE COURT: And there will be an agreement?

14 CASE MANAGER: And there is an announcement,
15 Your Honor.

16 MR. MARTINEZ: Your Honor, just for purposes of
17 the record, Hugo Martinez, the government has filed a
18 information of prior conviction and enhancement
19 of punishment --

11:13:19 20 THE REPORTER: I'm sorry, I can't hear you. I
21 can't follow you.

22 MR. MARTINEZ: I know. The government has
23 filed an information of prior conviction, and notice of
24 enhancement of punishment pursuant to Title 21, United
11:13:36 25 States Code, Section 851. I do believe that Mr. Miller

1 with the U.S. attorney's office has discussed this with
2 defense counsel. It has been previously filed. I just
3 wanted to put it on the record. The sentencing data sheet
4 should reflect the enhancement.

11:13:50 5 I am going to hand defense counsel,
6 Mr. Waller, a copy of the enhancement in open court. Just
7 give everyone notice, Your Honor.

8 THE COURT: It appears that the sentencing data
9 sheet is correct, because it creates a minimum mandatory of
11:14:05 10 20 years --

11 MR. WALLER: Yes, Your Honor.

12 THE COURT: -- up to life instead of ten up to
13 life.

14 MR. WALLER: Yes, Your Honor.

11:14:09 15 THE COURT: Are you aware of all this?

16 MR. WALLER: Yes, Your Honor, and I have
17 discussed this with my client.

18 THE COURT: She still wants to plea? You don't
19 need more time to talk about the enhancement?

11:14:16 20 MR. WALLER: No, Your Honor.

21 THE COURT: We will come back to you in just a
22 minute, Mr. Waller.

23 MR. WALLER: Yes, Your Honor.

24 THE COURT: All right. Co-defendant, Kristen,
11:14:27 25 Thomas Toland on the conspiracy to distribute

1 methamphetamine, what does your client want to do?

2 MS. EASTWOOD: Your Honor, I am actually first
3 chairing and Ms. Langford is second chairing. My name is
4 Sandra Eastwood --

11:14:40 5 THE COURT: Okay.

6 MR. EASTWOOD: -- and I represent Mr. Toland,
7 and it's a re-arraignment today. He is entering a plea of
8 guilty to Count 1 pursuant to a plea agreement.

9 THE COURT: And appears that he is also the
11:14:55 10 subject of an information, a prior conviction which
11 enhances his punishment to a minimum mandatory term of 20
12 years. You're aware of that and discussed it with him?

13 MS. EASTWOOD: Yes, we have discussed it.

14 THE COURT: All right. So he still intends to
11:15:09 15 enter a plea --

16 MS. EASTWOOD: Yes.

17 THE COURT: -- with that information?

18 MS. EASTWOOD: Well, to Count 1, but we wish to
19 remain silent at this time regarding the enhancement until
11:15:19 20 we research it further.

21 THE COURT: Okay. Very well. All right. I
22 just need to admonish him on it.

23 MS. EASTWOOD: Yes, Your Honor.

24 THE COURT: So that's the two Tolands will be
11:15:27 25 entering pleas.

1 I believe that's the remaining cases on
2 the 11:15 docket, right? Okay.

3 Everyone ready? All right. Let's
4 proceed. This will be again C-16-195, United States of
5 America vs. Donna Toland and Thomas Toland.

6 MR. MARTINEZ: Hugo Martinez for the United
7 States.

8 MR. WALLER: Chris Waller for Donna Toland.

9 MS. EASTWOOD: And Sandra Eastwood for Thomas
10 Toland.

11 THE COURT: I'm sorry?

12 MS. EASTWOOD: Sandra Eastwood for Thomas
13 Toland.

14 THE COURT: All right. We will start off by
15 having each of you placed under oath. I will advise you at
16 this time that since you will be under oath, if you testify
17 falsely, the testimony could be used against you in a
18 separate prosecution for perjury, or for making a false
19 statement. Do each of you understand that?

20 DEFENDANT DONNA TOLAND: Yes, sir.

21 DEFENDANT THOMAS TOLAND: Yes, sir.

22 THE COURT: Do the best you can to raise your
23 right hand. Stacie is going to administer an oath to you.

24 CASE MANAGER: You and each of you do solemnly
25 swear that the testimony you will give in this case now

1 before the Court will be the truth, the whole truth and
2 nothing but the truth so help you God.

3 DEFENDANT DONNA TOLAND: Yes.

4 DEFENDANT THOMAS TOLAND: So help me God.

11:17:16 5 CASE MANAGER: Thank you.

6 THE COURT: Has either one of you ever been
7 diagnosed by a physician with any type of mental illness?

8 DEFENDANT DONNA TOLAND: No, sir.

9 DEFENDANT THOMAS TOLAND: No, Your Honor.

11:17:24 10 THE COURT: All right. Either one of you been
11 a heavy user of any type of narcotic drugs?

12 DEFENDANT DONNA TOLAND: Yes, sir.

13 DEFENDANT THOMAS TOLAND: (Nodding.)

14 THE COURT: Both of you. Ms. Toland, what kind
15 of drugs?

16 DEFENDANT DONNA TOLAND: Sir, methamphetamine.

17 THE COURT: How about you, Mr. Toland?

18 DEFENDANT THOMAS TOLAND: The same.

19 THE COURT: Same thing. Either one of you ever
20 receive any kind of treatment or counseling to address your
21 usage?

22 DEFENDANT THOMAS TOLAND: No, sir. No, sir.

23 THE COURT: Have you?

24 DEFENDANT DONNA TOLAND: I have. I have been
25 through a drug program before.

1 THE COURT: Okay. All right. Didn't seem to
2 help?

3 DEFENDANT DONNA TOLAND: Yeah, it did for a
4 period of time until I stopped doing what I was needing to
5 do in order to stay clean, sir.

6 THE COURT: And you relapsed back into using?

7 DEFENDANT DONNA TOLAND: Yes, I did.

8 THE COURT: The reason we ask the question is
9 whether drug usage has in any way impaired your ability to
10 understand the proceedings because of its effect on your
11 brain.

12 Do you feel that your drug usage,
13 Ms. Toland, has in any way impaired your ability to
14 understand this proceeding?

15 DEFENDANT DONNA TOLAND: No, sir.

16 THE COURT: How about you, Mr. Toland?

17 DEFENDANT THOMAS TOLAND: No, Your Honor.

18 THE COURT: Do either one of you take any kind
19 of medication that would cause you to be confused right
20 now?

21 DEFENDANT DONNA TOLAND: No, sir.

22 DEFENDANT THOMAS TOLAND: No, sir.

23 THE COURT: All right. Ms. Toland, how old are
24 you?

25 DEFENDANT DONNA TOLAND: I am 53.

1 THE COURT: 53?

2 DEFENDANT DONNA TOLAND: Yes, sir.

3 THE COURT: Did you graduate from high school?

4 DEFENDANT DONNA TOLAND: I got my GED, sir.

11:18:34 5 THE COURT: How far did you go before you
6 dropped out?

7 DEFENDANT DONNA TOLAND: Tenth.

8 THE COURT: Where was that?

9 DEFENDANT DONNA TOLAND: Calallen High School.

11:18:39 10 THE COURT: Got a GED after that?

11 DEFENDANT DONNA TOLAND: Yes, sir.

12 THE COURT: Did you get a copy of your
13 indictment?

14 DEFENDANT DONNA TOLAND: Yes, I did.

11:18:44 15 THE COURT: Okay. Did you read it?

16 DEFENDANT DONNA TOLAND: Yes, I did.

17 THE COURT: All right. And discussed it
18 with --

19 DEFENDANT DONNA TOLAND: Actually, my attorney
11:18:51 20 read it to me.

21 THE COURT: I just want to make sure you
22 discussed the indictment with your attorney.

23 DEFENDANT DONNA TOLAND: Yes.

24 THE COURT: And do you feel like you understand
11:18:58 25 the charges against you?

1 DEFENDANT DONNA TOLAND: I fully do, yes, sir.

2 THE COURT: Okay. An information of prior
3 conviction was filed which -- and notice of enhancement.

4 Are you aware of that?

11:19:13 5 DEFENDANT DONNA TOLAND: Yes, sir.

6 THE COURT: And you discussed that with your
7 lawyer also?

8 DEFENDANT DONNA TOLAND: Yes, sir.

9 THE COURT: Okay. Mr. Waller has been
11:19:19 10 representing you. Are you satisfied with his
11 representation?

12 DEFENDANT DONNA TOLAND: Yes, I am, sir.

13 THE COURT: All right. Mr. Toland, your age?

14 DEFENDANT THOMAS TOLAND: 51.

15 THE COURT: And how far did you go in school?

16 DEFENDANT THOMAS TOLAND: 9th grade.

17 THE COURT: Where was that?

18 DEFENDANT THOMAS TOLAND: Flour Bluff.

19 THE COURT: Okay. Did you receive a copy of
11:19:33 20 your indictment?

21 DEFENDANT THOMAS TOLAND: I did.

22 THE COURT: Did you read it?

23 DEFENDANT THOMAS TOLAND: I did.

24 THE COURT: Did you discuss it with your
11:19:38 25 attorney?

1 DEFENDANT THOMAS TOLAND: Yes, sir.

2 THE COURT: Do you feel like you understand the
3 charges against you?

4 DEFENDANT THOMAS TOLAND: I do.

11:19:42 5 THE COURT: Ms. Eastwood said she's first
6 chair, so to speak, in your case. You're also represented
7 by Ms. Langford. Are you satisfied with your counsel?

8 DEFENDANT THOMAS TOLAND: Yes, Your Honor.

9 THE COURT: Okay. And the same type of
10 information of prior conviction and notice of enhancement
11 was filed in your case. Are you aware of that?

12 DEFENDANT THOMAS TOLAND: Yes, sir.

13 THE COURT: And you discussed it with your
14 lawyer?

11:20:05 15 DEFENDANT THOMAS TOLAND: I did.

16 THE COURT: All right. Now, both of you have
17 plea agreements, and I need to go over those agreements
18 with you. I need to first determine whether you
19 voluntarily entered into the agreement, in other words that
11:20:23 20 no one forced you to do that. They both appear to be fully
21 executed.

22 Ms. Toland, did you sign your agreement
23 voluntarily?

24 DEFENDANT DONNA TOLAND: Yes, I did, sir.

11:20:32 25 THE COURT: Did you read the agreement before

1 you signed it, or did your lawyer read it to you?

2 DEFENDANT DONNA TOLAND: The attorney read it
3 to me, and I signed it, sir.

4 THE COURT: Okay. And then you discussed it
11:20:41 5 with him?

6 DEFENDANT DONNA TOLAND: Yes. We went over a
7 few things that I had.

8 THE COURT: All right. He answered any
9 questions you may have had about it?

10 DEFENDANT DONNA TOLAND: Yes, he did, sir.

11 THE COURT: Do you feel like you understand the
12 agreement?

13 DEFENDANT DONNA: Yes, I do, sir.

14 THE COURT: Has anyone promised you anything to
11:20:51 15 get you to plead guilty other then what is in the
16 agreement?

17 DEFENDANT DONNA TOLAND: No, sir.

18 THE COURT: Mr. Toland, how did you handle this
19 matter? Did you read it or did your lawyer read it to you?

20 DEFENDANT THOMAS TOLAND: We went over it
21 together.

22 THE COURT: Together?

23 DEFENDANT THOMAS TOLAND: Yes, sir.

24 THE COURT: Did she answer any questions you
11:21:04 25 may have had about it?

1 DEFENDANT THOMAS TOLAND: Yes, Your Honor.

2 THE COURT: Do you feel like you understand the
3 agreement?

4 DEFENDANT THOMAS TOLAND: I do.

11:21:07 5 THE COURT: Has anyone promised you anything to
6 get you to plead guilty other than what is in the
7 agreement?

8 DEFENDANT THOMAS TOLAND: No, sir.

9 THE COURT: Each agreement contains a provision
11:21:18 10 in Paragraph 7 wherein you waive certain rights to appeal.

11 Ms. Toland, were you aware that this waiver was in your
12 agreement before you signed it?

13 DEFENDANT DONNA TOLAND: Yes.

14 THE COURT: Okay.

11:21:30 15 DEFENDANT DONNA TOLAND: Yes.

16 THE COURT: How about you, Mr. Toland, were
17 you?

18 DEFENDANT THOMAS TOLAND: I am.

19 THE COURT: Were each of you aware that by
11:21:35 20 signing this agreement, with this provision in it, you
21 waived not only your right to directly appeal your
22 conviction and your sentence, but you also waive the right
23 to collaterally attack your conviction and sentence under
24 28 United States Code, Section 2255? Were you aware of
25 that, Ms. Toland?

1 DEFENDANT DONNA TOLAND: Yes, I am.

2 THE COURT: How about you, Mr. Toland?

3 DEFENDANT THOMAS TOLAND: I am.

4 THE COURT: Ms. Toland, do you feel like you
11:22:00 understand the waiver and how it may affect your rights?

5 DEFENDANT DONNA TOLAND: Yes, sir.

6 THE COURT: Do you have any questions you want
7 to ask me about it?

8 DEFENDANT DONNA TOLAND: No, sir.

9 THE COURT: Mr. Toland, do you feel like you
10 understand the waiver and how it may affect your rights?

11 DEFENDANT THOMAS TOLAND: I do.

12 THE COURT: Any questions for me?

13 DEFENDANT THOMAS TOLAND: No, sir.

14 THE COURT: Okay. All right. Let's proceed to
15 the part of the proceeding where I advise you of the
16 penalty range for this offense, because of this information
17 that was filed, and I understand that counsel is going to
18 reserve the right to maybe challenge that possibility, but
19 since the information was filed, if it's applicable, you
20 are looking at a minimum mandatory term of 20 years in
21 prison, up to life. You could be fined up to \$10 million.
22 There is a mandatory term of at least five years of
23 supervised release. A \$100 special assessment will be
24 imposed, and there is a provision for community restitution
25

1 up to an amount of any fine imposed by the Court.

2 Do each of you understand that that is the
3 penalty range for your offense?

4 DEFENDANT DONNA TOLAND: Yes, sir.

11:23:05 5 THE COURT: Mr. Toland?

6 DEFENDANT THOMAS TOLAND: I do.

7 THE COURT: Okay. When you're placed under
8 supervision; that is, after you are released from
9 incarceration, you have to follow a set of rules adopted by
11:23:13 10 this Court. Should you violate any of those rules, after
11 notice and hearing, you could be ordered to serve some more
12 time in prison even though you have already completed the
13 initial sentence that I impose.

14 Ms. Toland, do you understand the
11:23:26 15 consequences of violating supervised release?

16 DEFENDANT DONNA TOLAND: Yes, I do.

17 THE COURT: Do you, Mr. Toland?

18 DEFENDANT THOMAS TOLAND: Yes, sir.

19 THE COURT: The sentencing for each of you will
11:23:35 20 occur several weeks from now. A probation officer will
21 prepare a presentence investigation report. It will be
22 prepared in accordance with the sentencing guidelines. It
23 will be delivered to your lawyer. Your lawyer will bring
24 it to your attention. Read it --

11:23:49 25 DEFENDANT DONNA TOLAND: Yes, sir.

1 THE COURT: -- if you can. If for whatever
2 reason you don't want to or can't, be sure your lawyer
3 reads it to you carefully, and point out any mistakes you
4 believe are in the report. Your lawyer will file any
5 necessary objections, and the probation officer cannot
6 resolve the objections. They will be presented to me and I
7 will rule on them at your sentencing hearing.

8 Once I have made any necessary rulings, an
9 advisory guideline range will be established for your case,
10 of course, subject to any minimum mandatory that may apply.

11 DEFENDANT DONNA TOLAND: Okay.

12 THE COURT: Even though this range is advisory,
13 I must carefully consider it when I determine what I
14 believe to be a sufficient sentence for your case. There
15 is no parole in the federal system. You can earn good time
16 credit, but that is different than parole.

17 If the sentence I impose is worse than you
18 were expecting it to be, you are not going to be allowed to
19 change your mind and withdraw your plea of guilty for that
20 reason.

21 Ms. Toland, do you understand everything I
22 have said about sentencing?

23 DEFENDANT DONNA TOLAND: Yes, sir.

24 THE COURT: Any questions about it?

25 DEFENDANT DONNA TOLAND: No, sir.

1 THE COURT: Mr. Toland, how about you, you
2 understand all this?

3 DEFENDANT THOMAS TOLAND: I understand.

4 THE COURT: Any questions?

11:24:56 5 DEFENDANT THOMAS TOLAND: No, sir.

6 THE COURT: Both of you have a right, of
7 course, to plead not guilty, which entitles you to have a
8 trial by jury. You have a right to be represented by a
9 lawyer at the trial. If you can't afford the one you want,
10 one will be appointed.

11 During the trial your lawyer can
12 cross-examine all witnesses called by the government, and
13 then you can call witnesses, and have them subpoenaed if
14 they do not want to come to court.

11:25:17 15 You have an election to make during the
16 trial, that is whether you want to testify or not. You
17 can testify if you want to, but you can choose not to. If
18 you chose not to, the government cannot call you as a
19 witness. And if you did not testify, it would be my duty
20 to instruct the jury to the fact that you did not testify
21 is not evidence which the jury may consider when it later
22 renders its verdict.

23 In a moment I am going to ask each of you
24 how you plead to these charges. If at that time, you enter
11:25:40 25 a plea of guilty, you will have waived your right to a

1 trial by jury as well as these other rights I described.

2 Ms. Toland, do you understand all of
3 that?

4 DEFENDANT DONNA TOLAND: Yes, sir.

11:25:49 5 THE COURT: Do you, Mr. Toland?

6 DEFENDANT THOMAS TOLAND: I do.

7 THE COURT: The government in order to obtain a
8 guilty verdict or to support your plea today must establish
9 through evidence that you have committed this crime. It
11:25:59 10 would do so by establishing that you have committed the
11 elements of the offense. I want to go over these elements
12 with you to make sure you understand what the government's
13 burden is.

14 To prove a conspiracy, the government must
11:26:12 15 prove that two or more persons, directly or indirectly,
16 reached an agreement to commit some federal crime. In your
17 case the crime was to possess with intent to distribute a
18 controlled substance. The government must establish that
19 each of you knew of the unlawful purpose of the agreement
11:26:28 20 and that you joined in the agreement willfully; that is,
21 with the intent to further its unlawful purpose. And then
22 the government must establish that the overall scope of the
23 conspiracy involved more than 50 grams of methamphetamine,
24 which is a Schedule II controlled substance.

11:26:47 25 Ms. Toland, do you understand the elements

1 of your offense?

2 DEFENDANT DONNA TOLAND: Yes, sir.

3 THE COURT: Do you, Mr. Toland?

4 DEFENDANT THOMAS TOLAND: Yes, sir.

11:26:52 5 THE COURT: Okay. Ms. Gould, do you want to
6 tell us -- no, excuse me, wrong. Mr. Martinez. Pardon me.
7 Mr. Martinez, tell us what you can prove in this case.

8 MR. MARTINEZ: Yes, Your Honor. At trial the
9 United States would be able to prove that on February 11,
11:27:07 10 2016, Texas Department of Public Safety deputies or
11 troopers were conducting a long-term
12 theft-of-stolen-property investigation in the area in or
13 around Corpus Christi, and as a result of the investigation
14 they learned and became aware that Donna and Thomas Toland
11:27:31 15 may have been receiving stolen property in exchange for
16 methamphetamine.

17 DPS officers were advised that the Tolands
18 had -- may have also received a stolen law enforcement
19 pistol during the course of their business. DPS troopers
11:27:50 20 decided to conduct a knock-and-talk investigation at the
21 residence of the Tolands, which is located in Robstown.
22 When DPS troopers made contact with the Tolands, Mr. Toland
23 signed a Department of Public Safety consent-to-search form
24 specifically looking for the pistol. The agents conducted
11:28:11 25 a search of the residence, and opened up a bag that

1 revealed the contents, and when they looked at the
2 contents, approximately 15.6 grams of methamphetamine was
3 located.

4 Based on this discovery, the DPS officers
5 re-approached Mr. Toland and advised him that they had
6 located some methamphetamine. And Donna and Thomas Toland
7 both made spontaneous statements at the time to the
8 officers, that the methamphetamine, in fact, belonged to
9 them. They also admitted to being methamphetamine users.

11:28:46 10 Once the methamphetamine was located, the
11 troopers asked for consent to search the entire residence
12 for narcotics. Both the Tolands agreed to a search of the
13 residence by signing a written consent form for the
14 narcotics. The agents subsequently located an additional
11:29:02 15 54 grams of methamphetamine. A field test was conducted
16 and the substance tested positive for the characteristics
17 of methamphetamine, and both Tolands made admissions to
18 knowing that there was methamphetamine in the residence and
19 to knowing of the existence and ownership.

11:29:17 20 The drug in this particular case, Your
21 Honor, was sent to the Department of Homeland Security drug
22 laboratory for -- the narcotics came back 58.8 grams of
23 actual methamphetamine, and the government would say that
24 this amount showed their intent to distribute.

11:29:34 25 Those are the facts of the case, Your

1 Honor.

2 THE COURT: All right. Ms. Toland, I'll
3 address you first. Did you hear what Mr. Martinez said
4 about the facts related to your case?

11:29:45 5 DEFENDANT DONNA TOLAND: Yes.

6 THE COURT: Is it correct, what he said?

7 DEFENDANT DONNA TOLAND: It is correct, sir.

8 THE COURT: As far as your involvement in this
9 matter?

11:29:51 10 DEFENDANT DONNA TOLAND: Yes, it is.

11 THE COURT: I'll ask you directly, then, to the
12 charges in Count 1, how do you plead, guilty or not guilty?

13 DEFENDANT DONNA TOLAND: I plead guilty.

14 THE COURT: All right. Mr. Toland, same
15 question, did you hear what Mr. Martinez said about your
16 involvement in this matter?

17 DEFENDANT THOMAS TOLAND: I do.

18 THE COURT: And is it correct?

19 DEFENDANT THOMAS TOLAND: It's correct.

11:30:06 20 THE COURT: To the charges in Count 1, how do
21 you plead, guilty or not guilty?

22 DEFENDANT THOMAS TOLAND: I plead guilty.

23 THE COURT: Thank you. I find each of you is
24 competent to enter a plea. Appears that each defendant is
11:30:19 25 aware of the nature of the charges against them and the

1 consequences of entering a plea to those charges. I
2 therefore find that each plea is a knowing and a voluntary
3 plea supported by an independent basis in fact, containing
4 each of the essential elements of the offense. I now
11:30:34 5 accept your plea, and each defendant is now adjudicated
6 guilty of the charges to which the defendant just pled.

7 I am going to sign an order that will set
8 forth a schedule for your sentencing. The initial draft of
9 your presentence report that I mentioned earlier will be
11:30:50 10 disclosed to counsel by June the 2nd. Any objections or a
11 statement that there is no objection must be filed by June
12 16th. The final draft of your report will be delivered to
13 me by June 30th, and I am setting each of you for
14 sentencing on July the 18th, 2016.

11:31:07 15 Ms. Toland, I will sentence you at --

16 CASE MANAGER: 4 p.m., Your Honor.

17 THE COURT: -- 4 p.m. and Mr. Toland at 4:15
18 p.m.

19 All right. I will remand each of you back
20 to the custody of the marshal to be held pending
21 sentencing. Thank you.

22 DEFENDANT DONNA TOLAND: Thank you.

23 MR. MARTINEZ: Your Honor, may I be excused?

24 THE COURT: You may. Thank you, Mr. Martinez.

25 (Concluded at 11:31 a.m.)

COURT REPORTER'S CERTIFICATE

3 I, Kathleen K. Miller, certify that the foregoing is a
4 correct transcript from the record of proceedings in the
5 above-entitled matter.

DATE: 12/22/2016 /S/ Kathleen K. Miller, RPR, RMR, CRR